

# Exhibit 68

**STATE OF TEXAS, ET AL. vs UNITED STATES OF AMERICA, ET AL.**  
**Michael Knowles on 08/02/2018**

1 UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF TEXAS  
3 BROWNSVILLE DIVISION  
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IN THE MATTER OF:

STATE OF TEXAS, ET AL.,

Plaintiff,

v.

UNITED STATES OF AMERICA,  
ET AL.,

Defendants,

and

KARLA PEREZ, et al.,

Defendant-  
Intervenors,

and

STATE OF NEW JERSEY,

Defendant-  
Intervenor.

Civil Action No.  
1:18-CV-00068

Thursday,  
August 2, 2018

Washington, D.C.

DEPOSITION OF:

MICHAEL KNOWLES

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1 called for examination by Counsel for the  
2 Defendant-Intervenors, pursuant to Notice of  
3 Subpoena, in the law offices of Mexican American  
4 Legal Defense Fund, located at 1016 16th Street,  
NW, Washington, D.C., when were present on behalf  
of the respective parties:

5 APPEARANCES:

6 On Behalf of Mexican American Legal Defense Fund:

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9 Washington, D.C. 20036  
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10 On Behalf of the State of Texas:

11 ADAM ARTHUR BIGGS, ESQ.  
12 Special Counsel for Civil Litigation  
Office of the Attorney General of Texas  
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14 adam.biggs@oag.texas.gov

15  
16 On Behalf of the State of New Jersey:

17  
18 JEREMY E. HOLLANDER, ESQ.  
19 Assistant Attorney General  
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25

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6 APPEARANCES: (cont.)

7

8 On Behalf of the United States:

9

10 JEFFREY WALKER, ESQ.

11 U.S. Department of Justice

12 Trial Attorney

13 Ben Franklin Station

14 P.O. Box 868

15 Washington, D.C. 20044

16 202-532-4468

17 james.walker3@usdoj.gov

18

19 ALSO PRESENT:

20

21 ALEJANDRA AVILA\*

22 RAI SHAY LIN

23

24 \*Present telephonically

25

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1 Q They're not done in Atlanta?

2 A No. No, there's no Service Center in  
3 Atlanta. There's a Service Center in Arlington,  
4 Virginia, one in Vermont, one in Nebraska, one in  
5 Texas, one in California. And, to the best of my  
6 knowledge, they are done primarily in Nebraska,  
7 but some at some point have been done in  
8 California.

9 Q Are you aware of any Field Office in  
10 Texas that has interviewed a DACA recipient?

11 A No, I didn't ask.

12 Q How many Filed Offices are you aware  
13 of throughout the entire country that have  
14 interviewed DACA recipients?

15 A Well, I'm only aware of two because  
16 those were the calls that I made. I have not  
17 called each and every Field Office to ask.

18 Q So, it's fair to say, as you sit here  
19 today, you're aware of four instances where DACA  
20 recipients were interviewed at a Field Center?

21 A Mm-hmm.

22 Q That's a yes?

23 A That is yes, that is yes.

24 Q Sorry.

25 A Sorry, I keep giving you a nonverbal

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1     nod.   That is yes.

2             Q       Very good.

3                     Sorry, and I do the exact same thing,  
4     I apologize.

5             A       And, I have to reiterate, I did not do  
6     a comprehensive data call. I mean, this  
7     information should be readily available to the  
8     parties from the Agency.

9             Q       Let's talk about your personal  
10    background. You're an Asylum Officer?

11            A       I am an Asylum Officer.

12            Q       Have you ever personally processed a  
13    DACA application?

14            A       Have what?

15            Q       Have you ever personally processed a  
16    DACA application?

17            A       No, I have no reason to.

18            Q       Have you ever adjudicated a DACA  
19    application?

20            A       No, I would have no reason to.

21            Q       Okay. Do you know what the criteria  
22    are to qualify for DACA?

23            A       Vaguely. I mean, based on what I've  
24    read in the public information.

25            Q       You mentioned earlier something about

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1 We have procedures to terminate a  
2 status or revoke a status.

3 Q So, again, I want to make sure we are  
4 clear on this --

5 A Right.

6 Q -- as you sit here today you are not  
7 aware of a single DACA application that has been  
8 denied after meeting initial criteria?

9 A No, I am not.

10 MS. PERALES: Objection. Give me a  
11 second here.

12 THE WITNESS: Okay.

13 MS. PERALES: Objection, asked and  
14 answered. You are welcome to give the answer.  
15 You are welcome to give the complete answer  
16 again, but if you are asked the same question  
17 twice -- It's the same question.

18 THE WITNESS: Yes. No, I mean I am  
19 not personally aware of DACA cases. I mean my  
20 awareness is, as I have said, what I have read  
21 and my limited conversations with those who do  
22 the work.

23 I didn't ask them that question.  
24 However, I know as a CIS employee that we have  
25 standard procedures to revoke status that has

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1 is arguing which point. I was asked to comment  
2 on Mr. Palinkas's statement.

3 Q Sure. And, again, these are kind of  
4 the questions we have to ask for baseline  
5 purposes.

6 A Sure.

7 Q It's not a trick question.

8 A No.

9 Q All right. How many DACA applications  
10 are you aware of that have been denied through  
11 the history of the program?

12 A I'm sorry?

13 Q How many DACA applications are you  
14 personally aware of being denied?

15 A I am not personally aware of the DACA  
16 program.

17 Q What is the DACA program's population  
18 currently?

19 A I don't know what you mean.

20 Q How many people have DACA status?

21 A I have no idea.

22 Q How many people have applied for DACA  
23 status throughout the history of the program and  
24 been denied?

25 A I have no idea. And when I say I have



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1 no idea I have no personal knowledge other than  
2 what I have read in public documents.

3 Q How many DACA applications have been  
4 denied under what is referred to as prosecutorial  
5 discretion?

6 A I don't have that information.

7 Q Okay. So when was the first time you  
8 were contacted by MALDEF?

9 A It would have been, like I said,  
10 within the last couple of months. I don't recall  
11 the dates.

12 Q What did you discuss with MALDEF?

13 A I was asked what I thought about this  
14 statement and would I be willing to be deposed.

15 Q Okay. Did you discuss the topic, what  
16 topics would be discussed during your deposition?

17 A I was told I would be asked about this  
18 statement and I would probably be asked about my  
19 personal knowledge, or lack of knowledge, of  
20 DACA.

21 Q What did you tell MALDEF about your  
22 lack of personal knowledge?

23 A Just what I have told you today and  
24 what I have told them today.

25 Q That you really don't know anything

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1 MR. BIGGS: You need to stop for a  
2 second?

3 MR. KNOWLES: Yes, just for a moment.

4 MR. BIGGS: Let's go back off the  
5 record.

6 (Whereupon, the above-entitled matter  
7 went off the record at 1:51 p.m. and resumed at  
8 1:58 p.m.)

9 MR. BIGGS: All right, we're almost  
10 done.

11 All right, Mr. Knowles, I should have  
12 asked this earlier, I think I didn't, but if not,  
13 correct me.

14 You have not personally done any DACA  
15 processing, but have you ever supervised anybody  
16 in your role as a federal employee in approving  
17 DACA applications?

18 MR. KNOWLES: No, I have never  
19 supervised anybody in the federal workplace. I  
20 do supervise my union stewards.

21 BY MR. BIGGS:

22 Q Okay. So, we left off asking about  
23 advanced parole. Do you know what advanced  
24 parole is?

25 A I have a general understanding of it

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1 MR. KNOWLES: Yes, I --

2 MS. PERALES: You may answer.

3 MR. KNOWLES: Yes, I have no personal  
4 awareness of that other than what I read in the,  
5 you know, public documents and the newspapers.

6 I've heard of DACA -- I've read of  
7 DACA applicants adjusting status because they  
8 qualify to do so. But, not because they had  
9 DACA.

10 MR. BIGGS: So, you're aware that some  
11 DACA recipients, according to news reports, have  
12 indeed successfully adjusted their status, right?

13 MR. KNOWLES: Yes, I have read that.  
14 But I have no personal knowledge of that.

15 BY MR. BIGGS:

16 Q So, you don't know whether or not DACA  
17 played any role in their ability to adjust their  
18 status, right?

19 A I wouldn't have that level of  
20 awareness of the program.

21 Q Why is it important in the immigration  
22 processes of the United States to ferret out  
23 fraud, in your opinion? It seems like a dumb  
24 question, but just --

25 A Well, because, if one has committed

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1 average length for an in person interview for a  
2 DACA application to take?

3 A I have no idea.

4 Q And --

5 A I mean, it would depend on what  
6 Service Center was asking the Field Office to ask  
7 about. I didn't ask my contacts how long it took  
8 them to interview those individuals.

9 Q You don't know if any of those  
10 individuals they allegedly spoke to were denied,  
11 right?

12 A No, I think the officers who did the  
13 interview didn't know because they're not -- they  
14 weren't the ones making the decision.

15 Q And, you mentioned the green card  
16 interview process. Is that longer or shorter  
17 than that asylum interview process?

18 A Oh much shorter.

19 Q How much shorter?

20 A I don't know because I don't  
21 adjudicate green cards or naturalization.

22 But, you know, we might, in asylum, do  
23 two or three interviews in a day. We're talking  
24 about affirmative asylum, not credible fear.

25 And, somebody doing naturalization

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1 Palinkas's statement.

2 Q Sure. So, just to make sure we're  
3 clear, of the 4,000-plus members you spoke to  
4 approximately 6 of them prior to testifying  
5 today?

6 A Mm-hmm.

7 Q That's a yes?

8 A Mm-hmm, yes.

9 MR. BIGGS: Pass the witness.

10 MR. HOLLANDER: I do have a few  
11 questions, if you don't mind.

12 MR. KNOWLES: I would like to say that  
13 the individuals that I spoke to were all union  
14 representatives of their workplaces. And,  
15 themselves are in regular contact with many other  
16 employees.

17 MR. BIGGS: Sure. And, I'm sure he'll  
18 ask you some questions about that.

19 MS. PERALES: So you want to re-pass  
20 the witness?

21 MR. BIGGS: Yes, I mean, you can keep  
22 it --

23 MR. HOLLANDER: We would like to take  
24 a quick break.

25 (Whereupon, the above-entitled matter

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1 alter the status of an individual in the United  
2 States currently unlawfully?

3 A I don't know that professionally but,  
4 from what I have read in public documents, it is  
5 simply a -- the status is a deferred action, I  
6 mean I believe that's actually in the title.

7 But, they are still considered here  
8 unlawfully. But, the government has decided to  
9 defer any action.

10 Q Nothing further.

11 A And --

12 Q Oh, go on.

13 A During the pendency of the deferral,  
14 which I believe from what I read publically is a  
15 two year period could be renewed, they get a work  
16 permit.

17 I don't know what status there is  
18 beyond that.

19 Q Would you agree with me that your  
20 understanding of DACA is limited?

21 A Extremely limited to what is available  
22 to the average citizen or, in my case, to an  
23 employee of CIS. You know, we might have  
24 employee broadcasts, whatever. We might have a  
25 town hall meeting where, you know, there are

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1 general reports on what is happening in different  
2 parts of the Agency.

3 But, my knowledge of DACA  
4 professionally is zero, such as limited. I don't  
5 do DACA. Right? Nor does Mr. Palinkas.

6 MR. BIGGS: Sure.

7 All right, thank you very much for  
8 your time. I don't have anything further unless  
9 y'all have something.

10 MR. KNOWLES: Okay.

11 MS. PERALES: Nothing further here.

12 MR. HOLLANDER: No, New Jersey's  
13 finished as well.

14 MS. PERALES: I should say we reserve  
15 our question -- remaining questions for the time  
16 of trial.

17 The deposition is concluded.

18 (Whereupon, the above-entitled matter  
19 went off the record at 2:50 p.m.)

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1 C E R T I F I C A T E

2 This is to certify that the foregoing transcript

3 Deposition of: Michael Knowles

4 In the matter of: State of Texas v USA

5 Before: US District Court

6 Date: 08-02-18

7 Place: Washington, DC

8 were duly recorded and accurately transcribed

9 under my direction; further, that said transcript

10 is a true and accurate record of the proceedings;

11 and that I am neither counsel for, related to,

12 nor employed by any of the parties to this action


13 in which this deposition was taken; and further

14 that I am not a relative nor an employee of any

15 of the parties nor counsel employed by the

16 parties, and I am not financially or otherwise

17 interested in the outcome of the action.

18 

19 -----

20 Jennifer Bernardi

21 Court Reporter

22

23

24

25